



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

JUN 21 2017

Bruno L. Pigott
Commissioner

VIA CERTIFIED MAIL: 7004 1160 0004 6517 9740 VIA CERTIFIED MAIL: 7004 1160 0004 6517 9757

William F. Austen, President
Bemis Company, Inc.
PO Box 669
Neenah, WI 54957

Corporation Service Company, Registered Agent
135 North Pennsylvania Street
Suite 1610
Indianapolis, IN 46204

Re: Notice of Violation and Proposed Agreed Order
Bemis Company, Inc.
167-00033
Terre Haute, Vigo County
Case No. 2017-24324-A

Qualified offer of settlement: inadmissible pursuant to Rule 408 of the Ind. Rules of Evidence. IDEM asserts that any offer to compromise a claim or any acceptance of such offer does not bind or obligate the parties of this enforcement action in the absence of a final order of the agency.

Dear Mr. Austen:

This is to advise that the Indiana Department of Environmental Management (IDEM) has conducted an investigation of Bemis Company, Inc. located at 1350 North Fruitridge Ave, Terre Haute, Indiana. As a result of information obtained during that investigation, IDEM has made a preliminary determination that violations of environmental air pollution laws and air permit exist. Pursuant to IC 13-30-3-3, enclosed please find a Notice of Violation that sets forth the alleged violations, and a proposed Agreed Order which constitutes a qualified offer of settlement.

You may request a settlement conference to discuss the allegations and the actions necessary to correct and resolve the violations, which may include injunctive relief and the establishment of a compliance schedule. Payment of a civil penalty will also be discussed. The civil penalty amount noted in the proposed Agreed Order contains a preliminary penalty figure for settlement discussion purposes only and is based on penalty calculations associated with the alleged violations set forth in the Notice of Violation. A portion of the civil penalty may be offset by performing an approved Supplemental Environmental Project (SEP). Typical SEPs have included pollution prevention, pollution control, and environmental restoration projects. A copy of IDEM's SEP policy may be obtained from this office or at IDEM's website at www.IN.gov/idem.



A State that Works

The individual signing the enclosed Agreed Order should be the President of the company or other authorized signatory. The timely entry into an Agreed Order, which saves you and IDEM time and resources, may lead to a reduction in the civil penalty.

IDEM is not required to extend the offer of entry into an Agreed Order for more than sixty days. You may enter into an Agreed Order without admitting that the violations occurred. If an Agreed Order is not entered into, IDEM may proceed to issue a unilateral notice and order requiring compliance with the environmental laws and permits, including payment of a civil penalty. Please contact me at (317) 232-8408 or e-mail mchaifetz@idem.IN.gov, if you have any questions or if you wish to request a settlement conference.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew Chaifetz', with a long horizontal line extending to the right.

Matthew Chaifetz
Senior Enforcement Manager
Enforcement Section
Office of Air Quality

Enclosures

cc: Luke Hendrix, EHS Manager, Bemis Company, via electronic delivery
Rochelle Marceillars, US EPA Region 5
Vigo County Health Department
Matthew Chaifetz, Compliance and Enforcement Branch, OAQ
Brooke Myer, Compliance and Enforcement Branch, OAQ
<http://www.IN.gov/idem>



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NOTICE OF VIOLATION

Via Certified Mail
No.: 7004 1160 0004 6517 9740

Via Certified Mail No.: 7004 1160 0004 6517 9757

To: William F. Austen, President
Bemis Company, Inc.
PO Box 669
Neenah, WI 54957

To: Corporation Service Company, Registered Agent
135 North Pennsylvania Street
Suite 1610
Indianapolis, IN 46204

Case No. 2017-24324-A

Based on an investigation on February 7, 2017, the Indiana Department of Environmental Management ("IDEM") has reason to believe that Bemis Company, Inc. ("Respondent") has violated environmental rules and permit. The violations are based on the following:

1. Respondent owns and operates a stationary polyethylene film plant including film production, printing, and converting operations with Plant I.D. No. 167-00033 located at 1350 North Fruitridge Ave in Terre Haute, Vigo County, Indiana (the "Site").

2. Pursuant to Part 70 Permit No. 167-34096-00033 ("Permit"), issued to Respondent on April 21, 2015, condition D.1.3(a), Cyrel, shall have a minimum capture efficiency of 100%.

Respondent failed to demonstrate one-hundred percent (100%) capture efficiency for the Cyrel plate making facility required by Permit condition D.1.7, in violation of Permit, condition D.1.7.

3. Pursuant to Permit, condition D.1.14(a)(3), Permittee shall daily record the monitoring parameter value for each press and Cyrel, it shall include in its daily record when a pressure or fan amperage reading is not taken and the reason for the lack of a reading.

Respondent failed to record a daily monitoring parameter for the Cyrel plate making facility from December 2014 through February 2017, in violation of Permit, condition D.1.14(a)(3).

4. Pursuant to Permit, condition D.1.14(a)(2), Permittee shall maintain records of the continuous combustion zone temperature for the oxidizers I13, I14, and I15 and the three (3) hour average combustion zone



temperature used to demonstrate compliance during the most recent compliant performance test. Permittee shall include in its daily record when a temperature reading is not taken and the reason for the lack of the temperature reading.

Respondent failed to maintain records of the continuous combustion zone temperature for the oxidizer I13 for 72 days between December 5, 2014 and February 9, 2017, in violation of Permit, condition D.1.14(a)(2).

5. Pursuant to Permit, condition D.1.12(a), requires the Permittee to recalibrate differential pressure gages installed on the printing presses on an annual basis.

Respondent failed to annually recalibrate the differential pressure gages from 2014 through 2016, in violation of Permit, condition D.1.12(a).

6. Pursuant to Permit, condition C.7(c), all test reports must be received by IDEM, OAQ not later than forty-five (45) days after the completion of the testing.

Respondent submitted stack testing reports for the six oxidizers, tested March 21-23, 2016, seventy-seven (77) days after the testing, in violation of Permit, condition C.7(c).

7. Pursuant to Permit, condition E.2.2 and 40 CFR 63.6655(e), Respondent shall maintain records of the maintenance conducted on the stationary RICE in order to demonstrate that Respondent operated and maintained the stationary RICE and after-treatment control device (if any) according to your own maintenance plan.

Respondent did not have records immediately available for the emergency fire pump engine, in violation of Permit, condition E.2.2 and 40 CFR 63.6655(e).

In accordance with IC 13-30-3-3, the Commissioner herein provides notice that violations may exist and offers an opportunity to enter into an Agreed Order providing for the actions required to correct the violations and, as necessary and appropriate, for the payment of a civil penalty. The Commissioner is not required to extend this offer for more than sixty (60) days.

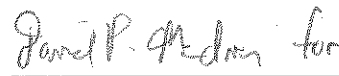
As provided in IC 13-30-3-3, an alleged violator may enter into an Agreed Order without admitting that the violations occurred. IDEM encourages settlement by Agreed Order, thereby resulting in quicker correction of the environmental violations and avoidance of extensive litigation. Timely settlement by Agreed Order may result in a reduced civil penalty. Also, settlement discussions will allow the opportunity to present any mitigating factors that may be relevant to the violations.

If an Agreed Order is not entered into within sixty (60) days of receipt of this Notice of Violation, the Commissioner may issue a Notice and Order under IC 13-30-3-4 containing the actions that must be taken to correct the violations and requiring the payment of an appropriate civil penalty. Pursuant to IC 13-30-4-1, the Commissioner may assess penalties of up to \$25,000 per day for each violation.

Please contact Matthew Chaifetz at (317)232-8408 or mchaifet@idem.IN.gov within fifteen (15) days after receipt of this Notice to discuss resolution of this matter.

For the Commissioner:

Date: 6-21-17



Phil Perry, Chief
Compliance and Enforcement Branch
Office of Air Quality

cc: Luke Hendrix, EHS Manager, Bemis Company, via electronic delivery
Rochelle Marceillars, US EPA Region 5
Vigo County Health Department
Matthew Chaifetz, Compliance and Enforcement Branch, OAQ
Brooke Myer, Compliance and Enforcement Branch, OAQ
<http://www.in.gov/idem/enforcement/>

4. Pursuant to IC 13-30-3-3, IDEM issued a Notice of Violation ("NOV") via Certified Mail to:

William F. Austen, President
Bemis Company, Inc.
PO Box 669
Neenah, WI 54957

Corporation Service Company, Registered Agent
135 North Pennsylvania Street
Suite 1610
Indianapolis, IN 46204

5. During an investigation, including an inspection on February 7, 2017, conducted by a representative of IDEM, the following violations were found:

- a. Pursuant to Part 70 Permit No. 167-34096-00033 ("Permit"), issued to Respondent on April 21, 2015, condition D.1.3(a), Cyrel, shall have a minimum capture efficiency of 100%.

Respondent failed to demonstrate one-hundred percent (100%) capture efficiency for the Cyrel plate making facility required by Permit condition D.1.7, in violation of Permit, condition D.1.7.

- b. Pursuant to Permit, condition D.1.14(a)(3), Permittee shall daily record the monitoring parameter value for each press and Cyrel, it shall include in its daily record when a pressure or fan amperage reading is not taken and the reason for the lack of a reading.

Respondent failed to record a daily monitoring parameter for the Cyrel plate making facility, in violation of Permit from December 2014 through February 2017, condition D.1.14(a)(3).

- c. Pursuant to Permit, condition D.1.14(a)(2), Permittee shall maintain records of the continuous combustion zone temperature for the oxidizers I13, I14, and I15 and the three (3) hour average combustion zone temperature used to demonstrate compliance during the most recent compliant performance test. Permittee shall include in its daily record when a temperature reading is not taken and the reason for the lack of the temperature reading.

Respondent failed to maintain records of the continuous combustion zone temperature for the oxidizer I13 for 72 days between December 5, 2014 and February 9, 2017, in violation of Permit, condition D.1.14(a)(2).

- d. Pursuant to Permit, condition D.1.12(a), requires the Permittee to recalibrate differential pressure gages installed on the printing presses on an annual basis.

Respondent failed to annually recalibrate the differential pressure gages from 2014 through 2016, in violation of Permit, condition D.1.12(a).

- e. Pursuant to Permit, condition C.7(c), all test reports must be received by IDEM, OAQ not later than forty-five (45) days after the completion of the testing.

Respondent submitted stack testing reports for the six oxidizers, tested March 21-23, 2016, seventy-seven (77) days after the testing, in violation of Permit, condition C.7(c).

- f. Pursuant to Permit, condition E.2.2 and 40 CFR 63.6655(e), Respondent shall maintain records of the maintenance conducted on the stationary RICE in order to demonstrate that Respondent operated and maintained the stationary RICE and after-treatment control device (if any) according to your own maintenance plan.

Respondent did not have records immediately available for the emergency fire pump engine, in violation of Permit, condition E.2.2 and 40 CFR 63.6655(e).

- 6. In order to demonstrate compliance with the 100% capture efficiency at the Cyrel plate making facility, Respondent conducted Method 204 testing on May 22, 2017.
- 7. To insure a daily reading is taken, Respondent integrated the pressure differential monitoring for the Cyrel plate making facility into its Rockwell Monitoring and Logging system on May 22, 2017.
- 8. Respondent reactivated logging for oxidizer I13 on February 8, 2016. Respondent also upgraded its Rockwell Monitoring and Logging system to notify key personnel of the operational status daily.
- 9. Respondent recalibrated gages on April 3, 2017, and incorporated recalibration into its Environmental Health and Safety calendar to scheduling future recalibration.
- 10. Respondent located maintenance records and submitted to IDEM on April 7, 2017 and instituted a new record retention system for engine maintenance records
- 11. In recognition of the settlement reached, Respondent waives any right to administrative and judicial review of this Agreed Order.

II. ORDER

- 1. This Agreed Order shall be effective ("Effective Date") when it is approved by Complainant or Complainant's delegate, and has been received by Respondent. This Agreed Order shall have no force or effect until the Effective Date.

2. Respondent shall comply with Part 70 Permit 167-34096-00033, unless superseded by a permit revision or renewal.
3. All submittals required by this Agreed Order, unless Respondent is notified otherwise in writing by IDEM, shall be sent to:

Matthew Chaifetz, Compliance and Enforcement Manager
Compliance and Enforcement Branch – Mail Code 61-53
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251

4. Respondent is assessed and agrees to pay a civil penalty of Thirteen Thousand Two Hundred Fifty Dollars (\$13,250.00). Said penalty amount shall be due and payable to the Environmental Management Special Fund within thirty (30) days of the Effective Date; the 30th day being the "Due Date".
5. Civil penalties are payable by check to the "Environmental Management Special Fund." Checks shall include the Case Number of this action and shall be mailed to:

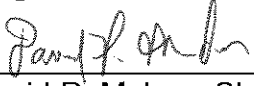
IDEM Office of Legal Counsel
IGCN, Rm N1307
100 N Senate Ave
Indianapolis, IN 46204

6. This Agreed Order shall apply to and be binding upon Respondent and his/her/its successors and assigns. Respondent's signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent. No change in ownership, corporate, or partnership status of Respondent shall in any way alter their status or responsibilities under this Agreed Order.
7. In the event that the monies due to IDEM pursuant to this Agreed Order are not paid on or before their Due Date, Respondent shall pay interest on the unpaid balance at the rate established by IC 24-4.6-1. The interest shall be computed as having accrued from the Due Date until the date that Respondent pays any unpaid balance. Such interest shall be payable to the Environmental Management Special Fund, and shall be payable to IDEM in the manner specified in Paragraph 5, above.
8. In the event that any terms of this Agreed Order are found to be invalid, the remaining terms shall remain in full force and effect and shall be construed and enforced as if this Agreed Order did not contain the invalid terms.
9. Respondent shall provide a copy of this Agreed Order, if in force, to any subsequent owners or successors before ownership rights are transferred. Respondent shall ensure that all contractors, firms and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.

10. This Agreed Order is not and shall not be interpreted to be a permit or a modification of an existing permit. This Agreed Order, and IDEM's review or approval of any submittal made by Respondent pursuant to this Agreed Order, shall not in any way relieve Respondent of their obligation to comply with the requirements of their applicable permit or any applicable Federal or State law or regulation.
11. Complainant does not, by its approval of this Agreed Order, warrant or aver in any manner that Respondent's compliance with any aspect of this Agreed Order will result in compliance with the provisions of any permit, order, or any applicable Federal or State law or regulation. Additionally, IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondent may incur as a result of Respondent's efforts to comply with this Agreed Order.
12. Nothing in this Agreed Order shall prevent or limit IDEM's rights to obtain penalties or injunctive relief under any applicable Federal or State law or regulation, except that IDEM may not, and hereby waives its right to, seek additional civil penalties for the same violations specified in the NOV.
13. Nothing in this Agreed Order shall prevent IDEM or anyone acting on its behalf from communicating with the EPA or any other agency or entity about any matters relating to this enforcement action. IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondent may incur as a result of such communications with the EPA or any other agency or entity.
14. This Agreed Order shall remain in effect until IDEM issues a Resolution of Case letter to Respondent

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TECHNICAL RECOMMENDATION:
Department of Environmental
Management

By: 
David P. McIver, Chief
Enforcement Section
Office of Air Quality

Date: 6-9-17

RESPONDENT:
Bemis Company, Inc.

By: _____

Printed: _____

Title: _____

Date: _____

COUNSEL FOR RESPONDENT:

By: _____

Date: _____

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF
ENVIRONMENTAL
MANAGEMENT _____ DAY OF _____, 20 ____
THIS

For the Commissioner:

By: _____
Keith Baugues, Assistant Commissioner
Office of Air Quality
Indiana Department of Environmental
Management